



# Fisheries Act (Northern Ireland) 1966

## 1966 CHAPTER 17

### PART V

#### REGULATION OF FISHING FOR SALMON, EELS AND FRESHWATER FISH

[REGULATIONS AS TO NETS, ETC.]

#### **66 Restrictions on use of nets.**

(1) If any person—

- (a) uses any one or more than one net of any kind in such a manner as to obtain the same advantage as he would have obtained by using a net the meshes of which are of a size smaller than that for the time being permitted under this Act for nets of that kind; or
- (b) uses a net covered with canvas, hide, or other substance for the purpose of taking small fish; or
- (c) affixes or keeps up continued nets stretched across a river;

he shall be guilty of an offence.

(2) Subsection (1)( *b*) shall not apply to a net used either in the sea or within an estuary solely for the purpose of dredging for shell-fish.

#### **67 Mesh of nets made of non-rigid material for the taking of salmon in the sea or tideways.**

(1) If, in the sea or in the tidal portion of a river, any person uses any net to which this section applies with a mesh of less size than<sup>[F1]</sup> 4.4 centimetres] from knot to knot, to be measured along the side of the square, or<sup>[F1]</sup> 17.6 centimetres] to be measured all round each such mesh, such measurements being taken in the clear when the net is wet, then, subject to subsection (2), he shall be guilty of an offence.

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- (2) [<sup>F2</sup>The Department] may by [<sup>F3</sup>regulations] permit the use of nets to which this section applies having meshes of a less size than that specified in subsection (1), and this section shall have application with respect to any net to which such [<sup>F3</sup>regulations] apply as if for the dimensions specified in subsection (1) there were substituted the dimensions specified in those [<sup>F3</sup>regulations].
- (3) In this section the expression “net to which this section applies” means any net or other engine which is not formed of a rigid material and which is used for the taking of salmon.

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| <b>F1</b> | SR 1983/100   |
| <b>F2</b> | S. 67(2): words in Act substituted (1.6.2009) by <a href="#">Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3)</a> , ss. 1(3)(b), 7(1), <a href="#">Sch. 1 Pt. 2 para. 3(1)(a)</a> (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, <a href="#">art. 2(a)(b)</a> |
| <b>F3</b> | S. 67(2): word in Act substituted (1.6.2009) by <a href="#">Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3)</a> , ss. 1(3)(b), 7(1), <a href="#">Sch. 1 Pt. 2 para. 3(1)(c)</a> (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, <a href="#">art. 2(a)(b)</a>  |

## **68 Meshes or openings of engines made of rigid material for the taking of salmon in the sea or tideways.**

- (1) If, in the sea or in the tidal portion of a river, any person uses any engine to which this section applies with meshes or openings of less width than [<sup>F4</sup> 7.5 centimetres] on each side of the square, or, where no meshes or openings of the nature of reticulations are used, of less width between the bars than [<sup>F4</sup> 5 centimetres], he shall be guilty of an offence.
- (2) In this section the expression “engine to which this section applies” means any engine which is formed of rigid material and is used for the taking of salmon.

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| <b>F4</b> | SR 1983/100 |
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## **69 Use of salmon nets near mouths of rivers.**

- (1) If any person (other than the owner of a several fishery within the limits thereof) shoots, draws or uses any net for taking salmon—
- (a) at the mouth of any river; or
  - (b) within [<sup>F5</sup> 805 metres] in any direction from the mouth of any river,
- he shall be guilty of an offence.
- [<sup>F6</sup>(2) Any person (other than the owner of a several fishery in the whole of a river or its tributaries, within the limits of that several fishery)—
- (a) who shoots, draws or stretches a net across the mouth or across any other part of a river; and
  - (b) who fails to leave open a channel which is—
    - (i) at least one-quarter of the width of the mouth of the river or, as the case may be, of that other part of the river, or 18 metres, whichever is the less, and
    - (ii) of sufficient depth and width to facilitate the passage of salmon in that river;

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shall be guilty of an offence.]

- (3) Where an order under section 16 defines the mouth of a tributary river, references in this section to the mouth of a river shall be construed as including references to the mouth of that tributary river.

F5 SR 1983/100  
F6 1991 NI 13

## 70 Powers of Board with respect to drift nets for the taking of salmon in the sea.

- (1) Where [<sup>F7</sup>the Department][<sup>F8</sup>is] satisfied that it is expedient to control the use of drift nets for the taking of salmon in the sea, [<sup>F9</sup>it] may make [<sup>F10</sup>regulations] prohibiting, restricting or otherwise controlling—
- (a) the use of such nets for fishing for salmon in the sea;
  - (b) the landing of salmon taken by means of such nets;
  - (c) the having in possession of salmon taken or landed in contravention of the [<sup>F10</sup>regulations] .
- (2) [<sup>F10</sup>Regulations] under this section restricting or otherwise controlling fishing for salmon may prescribe—
- (a) the classes of persons to whom there may be issued fishing licences in respect of nets to which the [<sup>F10</sup>regulations] apply;
  - (b) the classes of boats which may be used for the working of such nets;
  - (c) the maximum number of fishing licences which may be issued in any year in respect of such nets;
  - (d) the manner in which such licences shall be allocated in any case where the number of valid applications for such licences in any year exceeds the number prescribed under paragraph ( c ) in respect of that year.
- (3) If any person contravenes any [<sup>F10</sup>regulations] made under this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F11</sup> £1,000] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

F7 S. 70(1): words in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), Sch. 1 Pt. 2 para. 3(1)(a) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(a)(b)

F8 Word in s. 70(1) substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), Sch. 1 Pt. 2 para. 3(18) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(b)

F9 S. 70(1): word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), Sch. 1 Pt. 2 para. 3(1)(b) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(a)(b)

F10 S. 70: word in Act substituted (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 1(3)(b), 7(1), Sch. 1 Pt. 2 para. 3(1)(c) (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(a)(b)

F11 1981 NI 7

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## 71 Restriction on use of nets in fresh water.

- (1) Save as is permitted by or under subsection (2), it shall not be lawful for any person to use any net in the freshwater portion of any river or in any lake.
- (2) Subsection (1) shall not apply to—
- (a) the use of a landing net or keep net solely as auxiliary to lawful fishing with rod and line;
  - (b) the lawful use of a net solely for the purpose of removing fish from traps in a fishing weir;
  - (c) the lawful use of a fixed engine under section 73;
  - (d) the lawful use in a several fishery of draft nets for the taking of salmon or trout where such nets were lawfully used during the open fishing season of one or more of the five years immediately preceding 1st January,<sup>[F12 1972]</sup>;
  - (e) the lawful use of draft nets for the capture of salmon or trout in any lake by members of the public who depend on such netting as a means of livelihood where—
    - (i) such nets are so used with the consent of every owner of a several fishery in that lake; and
    - (ii) such nets were so used with such consent or as of right by any such members of the public within the period of<sup>[F12 1972]</sup> eighteen years immediately preceding 1st January 1986;
  - (f) the lawful use of nets for the taking of eels—
    - (i) in or in the vicinity of an eel weir; or
    - (ii) in accordance with regulations made under section 15;
  - (g) the lawful use, in accordance with <sup>[F13]</sup>regulations, of nets for the taking of fish other than salmon, trout or eels.
- (3) If any person uses a net in contravention of this section he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding <sup>[F14 £500]</sup> or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (4) In this section, “trout” does not include pollen.

**F12** 1991 NI 13

**F13** S. 71(2)(g): word in Act substituted (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 7(1), [Sch. 1 Pt. 2 para. 3\(1\)\(c\)](#) (with [Sch. 1 Pt. 1 para. 4\(3\)](#)); S.R. 2009/172, [art. 2\(a\)\(b\)](#)

**F14** 1981 NI 7

## 72 Mesh of nets for taking fish in fresh water.

- (1) No person shall, under section 71(2)( c), ( d), ( e) or ( g), use any net with a mesh of less size than—
- (a) such size as may be prescribed by <sup>[F15]</sup>regulations; or
  - (b) if no size is so prescribed, a size of<sup>[F16]</sup> 4.4 centimetres] from knot to knot, to be measured along the side of the square, or<sup>[F16]</sup> 17.6 centimetres] to be measured all round each mesh, such measurements being taken in the clear when the net is wet.

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- (2) No person shall, under section 71(2)(f), use any net with a mesh of less size than—
- (a) such size as may be prescribed by regulations made under section 15; or
  - (b) if no size is so prescribed, the size specified in subsection (1)(b).
- (3) If any person contravenes subsection (1) or (2) he shall be guilty of an offence.

**F15** S. 72(1)(a): word in Act substituted (1.6.2009) by [Public Authorities \(Reform\) Act \(Northern Ireland\) 2009 \(c. 3\)](#), ss. 1(3)(b), 7(1), [Sch. 1 Pt. 2 para. 3\(1\)\(c\)](#) (with [Sch. 1 Pt. 1 para. 4\(3\)](#)); S.R. 2009/172, [art. 2\(a\)\(b\)](#)

**F16** SR 1983/100

**Changes to legislation:**

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